

## Comment Set 28



July 28, 2003

Stephen L. Jenkins  
Asst. Division Chief  
California State Lands Commission  
Division of Environmental Planning and Management  
100 Howe Ave, Ste 100-South  
Sacramento, California 95825-8202

Re: Draft Environmental Impact Report, Concord to Sacramento Petroleum Products Pipeline Project

Dear Mr. Jenkins:

Thank you for allowing the District to comment on the Draft Environmental Impact Report, Concord to Sacramento Petroleum Products Pipeline Project.

The Mt. View Sanitary District (the District) manages the 115-acre McNabney Marsh, and the 20-acre constructed Moorhen Marsh. The sole drain and flood channel for these marshes is Peyton Slough. Rhodia Marsh, Wickland Marsh and Peyton Marsh also drain and flood through Peyton Slough. The District is concerned that the Draft EIR does not address impediments to managing the marsh the construction of the proposed pipeline project imposes on the District and the environmental risks its construction and operation impose on the District.

The District has successfully managed the marshes and provided a valuable waterfowl habitat and habitat for its associated wildlife though situated in the midst of an industrial area. Though serving a relatively small community, it provides advanced wastewater treatment, enabling it to maintain a high quality discharge that improves the marsh habitat rather than degrading it. By eliminating the use of hazardous treatment chemicals—chlorine, sulfur dioxide, ammonia and caustic soda—the District has decreased risks to the community and the marsh habitat.

The District's efforts to manage the marshes have been complicated by the industries bordering the marsh. The McNabney marsh received the burden of the oil spilled in 1988. The District cannot operate the tide gate on Peyton Slough to allow tidal water into McNabney Marsh because the sediments downstream are contaminated by copper and zinc. The culvert which conducts Peyton Slough beneath the Union Pacific Rail Road bed restricts flow into and out of the marsh.

Many, many hydrocarbon, water, and wastewater pipelines now cross the marshes or skirt the marshes that the District manages. The Kinder Morgan Energy Partners and its operating partners Santa Fe Petroleum Products own and operate at least three of these pipelines. These three pipelines run beneath Peyton Slough at such a shallow depth that the slough cannot be maintained by dredging to remove accumulated sediment and debris because of the risk of damaging these pipelines, thus the section of Peyton Slough over the existing pipelines impedes water flow producing the following detriments in McNabney Marsh:

- Impeded water flow produces permanently flooded marsh where previously water flooded and retreated in synchrony with the migrating and breeding seasons of the marsh birds. As a result, water floods the marsh during the breeding season, standing over land that would be nesting area.

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Comments Concerning Concord to Sacramento Petroleum Products Pipeline Project, Draft EIR  
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- A persistently flooded marsh enables cattails to invade the marsh, filling in open water, thus restricting feeding area for the migratory birds.
- As the cattails encroach on more marsh area, vegetation diversity declines.
- The dense cattail stands form pockets protected from wind and predatory fish, ideal habitat for mosquito larva. The Contra Costa Mosquito and Vector Control District resorts more often to chemical larva control rather than biological control.
- Water no longer retreats during the summer, forming mud flats for wading birds, thus the habitat diversity and wildlife diversity of the marsh has decreased.

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Construction of the new pipeline will add disturbances and risks to the McNabney Marsh habitat:

- Construction and operation of machinery will add to the industrial noise surrounding the marsh, restricting inhabitants to that wildlife that will tolerate the unfamiliar in their habitat.
- Access routes to the construction area will expose the marsh to temporary fill and removal of fill, disturbances that may or may not be rectified by planting and aggressive weed control.
- Exotic weeds will invade areas disturbed by the construction. Even though the EIR offers efforts to restore the areas, weeds will grow and spread their seeds before restoration programs begin and even while being controlled.
- The operation will expose the marsh to possible spills of drilling mud and chemicals.
- Machinery and vehicles will continually impose a risk of fuel spills and lubricating oil spills.
- The proposed route of the pipeline runs beneath the cinder piles on Rhodia, Incorporated sulfuric acid manufacturing plant and beneath the metal contaminated alignment of Peyton Slough. Any release of contaminants will restrict the ability of the District to manage water inflow to McNabney Marsh.

28-2

The EIR proposes no mitigation for the construction impacts the project imposes on the marsh nor does it suggest mitigation for the continual risks operation of the pipeline will expose the marshes to. It seems appropriate that the entities responsible for adding risks to the habitat and disturbing the habitat should do more than correct the temporary disturbances. The new pipeline adds another persistent risk to the habitat, yet the entities responsible do not contribute to the maintenance of the habitat they use. For these reasons and all the above reasons, the District proposes the following mitigations for construction and operation of the pipeline that will run through the marshes and beneath Peyton slough.

- Peyton Slough should be relieved of the flow restrictions produced by the present pipelines lying beneath its bed by relocating the pipeline.
- The District should receive an annual grant of \$20,000 until it has controlled or eliminated the cattail encroachment in McNabney Marsh. The California Department of Fish and Game can be the agency responsible for determining if cattails have been controlled to the extent feasible under the management tools available to the District.

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- Funds should be provided for elimination of the flow restriction caused by the culvert running below the Union Pacific Rail Road right-of-way.
- Funds should be provided to the District so that it may continue its efforts to introduce native plants in the marsh uplands.

28-3

The District hopes that these proposals will be incorporated into the Concord to Sacramento Petroleum Products Pipeline Project EIR. The District believes that all industries that impinge on natural environment should contribute to the maintenance, enhance and protection of the environment.

Sincerely,

Mt. View Sanitary District

David R. Contreras  
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drc/slr

cc: See attached list.

## Comment Set 28, cont.

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## Comment Set 28, cont.

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## Responses to Comment Set 28

- 28-1 The depth of existing pipelines through the Peyton Slough would not be affected by the proposed project, which does not include a proposal to alter any other existing pipeline. The Final EIR includes revisions to clarify that the pipeline crossing of Peyton Slough shown as the Existing ROW Alternative could occur by either HDD or trenching construction techniques, and it includes a description of potential impacts which might result (see Section 4, revisions to Section D.4.4.1, page D.4-84, along with changes to Section D.4.3.6, Biological Resources, page D.4-71 and changes to Section D.6, Environmental Contamination and Hazardous Materials, related to Mitigation Measure EC-1b). Should trenching be utilized, the Final EIR concludes that one or both of the existing pipelines could be lowered or removed during the trenching operation with no additional significant environmental effects. Similarly the proposed project would not modify any of the culverts that run below the Union Pacific Railroad right-of-way in the area. As such, these existing conditions would continue with or without the project.
- 28-2 Although construction disturbances could temporarily disrupt wildlife in the area, no change in long-term noise levels would occur with the project. The effects of the temporary disruptions, including weed management, would be mitigated as described in the Draft EIR on pages D.4-57 and -58, under Impact BW-4: Wildlife Disturbance from Increased Human Presence.
- 28-3 Flow restrictions in the Peyton Slough that are caused by existing conditions would not be adversely affected or otherwise changed by the proposed project. Because these existing conditions would continue with or without the project, the Draft EIR does not recommend mitigation in the form of compensation to the Mt. View Sanitary District.

## Comment Set 29



### Central Contra Costa Sanitary District

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July 28, 2003

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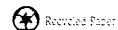
COMMENTS ON THE DRAFT EIR, CONCORD TO SACRAMENTO PETROLEUM  
PRODUCTS PIPELINE PROJECT, JUNE 2003; CSLC EIR 711, SCH NO. 2002022010

Thank you for the opportunity to comment on this Draft EIR. Central Contra Costa Sanitary District (CCCSD) is an affected property owner and a Responsible Agency in that the project must obtain from CCCSD a discretionary approval to use CCCSD property for construction and operation of the project. As such, the following comments are offered:

1. In several places in the Draft EIR, the alignment of the proposed project through CCCSD property is described as a "transmission corridor" (e.g., p. B-7, para. 4; p. D.9-3, Table D.9-30; and p. D.9-4, para. 1). This description ignores the fact the "transmission corridor" crosses through an active wastewater treatment plant (WWTP) that processes an annual average of over 42 million gallons of sewage per day (more during wet weather) for about 436,000 central Contra Costa County residents. Additionally, the 56-foot wide "transmission corridor" contains several other essential pipelines and conduits carrying petroleum products, natural gas, landfill gas, wastewater, recycled water, and electricity. It should be noted in the EIR that the proposed pipeline would be crossing CCCSD property from approximately mileposts 0.5 to 1.6. Also, if the project is constructed on CCCSD property, it is essential, therefore, that the project proponents closely coordinate design, construction, and operation of the project with CCCSD staff.
2. CCCSD's first preference is for the project to be constructed using the Existing Pipeline Right-of-Way (ROW) Alternative alignment along Solano Way in Concord so that construction on CCCSD property is avoided. If construction must occur on CCCSD property, please consider routing the western end of the alignment around the east and north sides of CCCSD's former Lagiss property so the parcel is not further encumbered by pipelines in case CCCSD chooses to

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make more active use of this current WWTP buffer zone area

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3. Please be aware that CCCSD also has wastewater pipelines on Waterbird Way that may be affected by the proposed project and a force main that would be crossed where the project alignment leaves Waterbird Way and crosses to Waterfront Road. Again, it is essential that the project proponents closely coordinate with CCCSD staff.

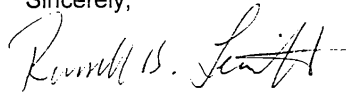
29-3

4. Table D.11-1 on page D.11-2 lists utility and service providers by jurisdiction and the top two paragraphs on p. D.11-3 refer to water district reclaimed water programs and city-operated sewer service lines. Please be aware that it is CCCSD that provides wastewater service and reclaimed water to portions of the project area in Contra Costa County and the City of Martinez. Also, CCCSD may be interested in combining reclaimed water pipeline expansion projects with the proposed project construction and/or using abandoned pipelines for reclaimed water transmission.

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Please provide us with a copy of the Final EIR. If you have any questions regarding these comments, please contact me at (510) 229-7255.

Sincerely,



Russell B. Leavitt, AICP  
Management Analyst

RBL:jf

## Responses to Comment Set 29

29-1 Table A-1 (Permits Required) on page A-1 of the Draft EIR notes that the proposed pipeline would travel through Sanitary District property and that a discretionary easement would be required from the district. The description of the proposed route in Section B has been revised to clarify that the CCCSD manages the property (see Section 4, changes to Section B.3.1.1). Table D.9-3 of the Draft EIR has also been revised (see Section 4, changes to page D.9-3).

29-2 In the area of the CCCSD property, following the Existing Pipeline ROW Alternative would increase the risk of accidentally damaging existing infrastructure because of the high number of pipelines already buried below Solano Way (see discussion of Impact S-1.2: Severance of Third Party Substructures During Construction on page D.2-26 of the Draft EIR and Impact US-1: Service Disruption During Construction on page D.11-7 of the Draft EIR). Following the alignment of the Proposed Project in this area would minimize these potential impacts.

Within the CCCSD property, following the route recommended by the Sanitary District around the former “Lagiss” property in the current buffer zone was considered by CSLC staff. The CSLC consulted with Sanitary District staff and SFPP and found that following the route recommended by the Sanitary District could cause temporary closure of an internal access road and disruption of a drainage channel adjacent to that road. CSLC staff believes these to be impacts that could be avoided with the alignment of the Proposed Project. Following the alignment of the Proposed Project in this area would minimize these potential impacts and collocate the project pipeline with other existing petroleum product pipelines that presently traverse the “Lagiss” property.

29-3 Mitigation Measure US-1a (Protection of Underground Utilities) on page D.11-8 of the Draft EIR (with revisions shown in Section 4, under changes to page D.11-8) is intended for the protection of existing underground utilities and would require coordination to reduce potential utility service disruption impacts to all agencies with potentially affected utilities (including the CCCSD wastewater pipelines on Waterbird Way) by the proposed project to a less than significant level.

29-4 Table D.11-1 has been revised in this Final EIR to reflect the suggested additions made in the comment (see Section 4, changes to page D.11-2).